

Issued September 23, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1037.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MUSHROOMS.

On February 7, 1911, the United States Attorney for the Western District of Pennsylvania, acting upon the report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, praying condemnation and forfeiture of a case of dried mushrooms found on the premises located at Nos. 804-806-808 Liberty Avenue, in the city of Pittsburg.

Examination of samples from said consignment made by the Bureau of Chemistry of the United States Department of Agriculture showed them to contain more or less worms and worm excreta. The libel alleged that the mushrooms after transportation from New York into Pennsylvania remained in the original unbroken packages and were adulterated in violation of the Food and Drugs Act of June 30, 1906, because they consisted in whole or in part of a filthy, putrid, or decomposed animal or vegetable substance, and were therefore liable to seizure for confiscation.

On February 24, 1911, Arbuckle & Co. appeared and filed answer to said libel in which they made no denial of the statements in the libel, but admitted that the said mushrooms were unfit for human food. Accordingly a decree was entered by the court on February 25, 1911, finding said product to consist in whole or in part of a decomposed vegetable substance, and that the United States was entitled to the decree of condemnation as prayed for in the libel. Accordingly on that date a decree was entered, condemning and forfeiting the goods to the United States, and ordering their destruction by the marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 3, 1911.*

